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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

# Office Action Summary

Application No.

09/483,854

Applicant(s)

KNUST ET AL.

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

MARK SAGER  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## ***DETAILED ACTION***

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubert, U.S. Patent 6,313,871 B1 (Nov. 6, 2001) (hereinafter "*Schubert*") in view of Walsh, U.S. Patent 5,726,706 (Mar. 10, 1998) (hereinafter "*Walsh*").**

*Schubert* discloses a system for monitoring chips on a gaming table wherein video imagers (i.e. cameras) are positioned within close proximity to the table to improve the imagers' view. *See fig. 1; col. 1:32-48*. The reference teaches placing the cameras beneath a raised platform or, alternatively, within the raised rail around the perimeter of the table. *See id.* Furthermore, the monitoring system is linked through a standard computer network to allow a remote observer located at a terminal to selectively display the video images from any one of a plurality of gaming tables. *See fig. 9; col. 7:20-38*.

In regards to the claim 1: *Schubert* teaches the following features:

- a. Central computer
- b. Video multiplexer coupled to a central computer.
- c. Gaming table associated with the video multiplexer.

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- d. Plurality of video imagers on the gaming table wherein the video imagers are coupled to the video multiplexer and each of the video imagers is directed to a predetermined wagering location on the table.
- e. Chip recognition system in the central computer to determine the value of the wagers in each of the wagering locations.
- f. Platform on the table above the predetermined wagering locations wherein each of the video imagers is located below the platform.
- g. Arcuate wall extending between the platform and the table wherein the video imagers are positioned behind the arcuate wall. More specifically, *Schubert* describes a gaming table having a typical "arcuate" shape wherein video cameras are installed within a raised rail or ridge that may be disposed around the perimeter of the table. *See fig. 1; col. 4:25-27.*

Thus, *Schubert* teaches all the features of the claim except the following:

- a. Wall defining apertures therethrough wherein the video imagers are directed through the apertures. Notably, *Schubert* describes placing imagers behind a curved, transparent wall. *See col. 4:56-5:8.*
- b. Lights directed to each of the wagering locations wherein the light projects from the arcuate wall.

Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan.

*Walsh* discloses a lighting security system in which lights and cameras are recessed within a curved fixture for illuminating and observing activity on a gaming table. *See fig. 1; col. 1:39-61.* The fixture is adaptable to the shape of a gaming table to provide a functional and decorative lighting assembly allowing unobtrusive observation of gaming patrons and thereby promote a more congenial, but

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secure gaming environment. *See id.* In particular regards to the claims, *Walsh* describes the following features:

- a. Arcuate mounting structure defining apertures therethrough wherein the video imagers are directed through the apertures. *See fig. 1, 4, 5.*
- b. Lights directed to wagering locations wherein the light projects from the arcuate mount. *See id.*
- c. The lamps moveable relative to the fixture so that they may be directed at locations. *See col. 3:57-4:6.*

Thus, it is known to mount video imagers and lights within arcuate structures having apertures therethrough providing unobtrusive surveillance and lighting of gaming tables.

It is notoriously well known and understood to illuminate locations targeted by imaging devices to improve the location's brightness and contrast, and thereby capture a better image with an imaging device. Thus, it would be obvious to an artisan to direct lights to each of the wagering locations to improve the brightness and contrast of the image captured by a imaging device surveilling a gaming table.

Consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the game table tracking system taught by *Schubert*, wherein cameras are positioned beneath the arcuate rail around the perimeter of the table, to add the features of wall defining apertures therethrough wherein the video imagers are directed through the apertures and lights directed to each of the wagering locations wherein the light projects from the arcuate wall. As suggested by *Walsh*, the modification would allow unobtrusive observation of gaming patrons and thereby promote a more congenial, but secure gaming environment. *See col. 1:39-61.*

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lights recessed beneath the platform to illuminate the gaming apparatus and provide improved lighting for the cameras to improve the accuracy chip recognition.

In regards to claim 4: *Walsh* additionally teaches mounting lights within recesses of a mounting structure.

In regards to claim 5: *Schubert* additionally teaches a trigger coupled to a multiplexer to initiate operation of the system. *See fig. 9; col. 6:38-51.*

In regards to claim 8: The tracking system described by the combination of *Schubert* and *Walsh* teaches all the features of the claimed subject matter except a data input means for inputting alphanumeric data manually into the central computer. Regardless of the deficiency, the feature was known in the art at the time of the invention and would have been obvious to an artisan of ordinary skill.

Standard computer networks are notoriously well known to provide alphanumeric input devices allowing users to manually enter data into a central computer (e.g. keyboards). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tracking system described by the combination of *Schubert* and *Walsh*, wherein remote observers selectively monitor gaming table video via a central computer, to add a alpha-numeric input device to allow users a convenient and well-understood means for observers to selectively control a central computer to display gaming table video.

In regards to claim 9: *Schubert* additionally teaches means for determining which of the wagering locations is active. *See col. 2:5-39, 4:6-19.*

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**Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schubert* in view of *Walsh*, as applied to claim 1 above, in further view of *Mothwurf*, U.S. Patent 5,919,090 (Jul. 6, 1999) (hereinafter "*Mothwurf*").**

The gaming table tracking system described by the combination of *Schubert* with *Walsh* teaches all the features of the claimed subject matter except uniquely identifying a gambler to the tracking system using a magnetic card stripe reader. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan.

*Mothwurf* discloses an analogous system for tracking wagering data at a gaming table. In particular, the reference describes identifying each gambler at a betting position using an electronically readable identity card and read unit at each position in order to track when and where each gambler was located. *See col. 7:28-65*. Notably, *Mothwurf* does not describe using a magnetic card stripe reader for identifying the player. Nonetheless, several types of electronically readable identity card are notoriously well known in the art including integrated circuit cards, magnetic stripe cards, and optically coded cards. Each type would function equivalently to uniquely identify a gambler at a betting position to the tracking system.

In view of *Mothwurf*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tracking system taught by the combination of *Schubert* with *Walsh* to add the feature of uniquely identifying a gambler to the tracking system using a magnetic card stripe reader to track when and where each gambler was located and thereby yielded more specific tracking data which may be used to enhance the operator's security or business data.

#### ***Response to Arguments***

Applicant's arguments filed September 23, 2002 have been fully considered but they are not persuasive. The Applicant contends the claims invention distinguishes over the prior art because neither

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*Schubert* nor the combination of *Schubert* and *Walsh* describes a gambling tracking system having an arcuate wall extending from the platform to the gaming table and placement of video imagers and lights within the wall as illustrated in figs 2 and 3. The examiner respectfully disagrees.

The standard of patentability is what the prior art taken as a whole at a time prior to the invention suggests to an artisan. In this case, *Schubert* teaches a gambling tracking system for monitoring a gaming table wherein video imagers are positioned behind a wall within close proximity to the table to improve the imager's view of each wagering location. See fig. 1(27)(35); col. 1:32-48. Although the fig. 1 illustrates the cameras mounted centrally on the table, *Schubert* teaches alternatively placing the cameras within a raised rail or ridge around the perimeter of the table. See col. 4:20-27. Figure 1 illustrates perimeter of the table is arcuated (i.e. curved). Furthermore, figure 1 illustrates cameras positioned behind a wall. Clearly, if the wall illustrated in figure 1 disposed around the perimeter of table in cooperation with a raised rail or ridge, the structure would constitute a platform above the table wherein the video imagers are positioned behind a wall.

*Walsh* discloses an arcuated fixture for illuminating and observing activity on a gaming table. See fig. 1; col. 1:39-61. The fixture includes recessed lights and cameras that are directed at the table through apertures in the fixture. See *id.* The lamps are moveable relative to the fixture so that they may be directed at target locations. See col. 3:57-4:6. Thus, *Walsh* teaches a video imagers and lights recessed within an arcuate structure and directed at a gaming table through apertures.

It is within an artisan's implicit knowledge to aim lights at target locations to make the brighter. Consequently, the combination of *Schubert* with *Walsh*, when taken as a whole, suggests to an artisan at a time prior to the invention a gambling tracking system having an arcuate wall extending from the platform to the gaming table wherein video imagers and lights are recessed within the wall and aimed at each wagering location.



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*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.  
November 21, 2002



**MARK SAGER**  
**PRIMARY EXAMINER**